

EXHIBIT D

From: Chester, Ray
To: Bridget Zerner; jhobbs@abaustin.com; Davis, Ian M.; madams@abaustin.com
Cc: John Markham; Paul Miller; Ryan Bueche; Sarah Shumate-Connor; Lindsey Reyes; Megan LaMare; Carla Eutsler; mark@collmerlaw.com
Subject: RE: Franklin et al v. Forage et al. - Case No. 23CV00543 - Expert Deadlines
Date: Thursday, March 14, 2024 2:26:52 PM
Attachments: 2024_03-14_Mtn for Sanctions Rule 11(3560320).pdf
image001.png
image002.png

Counsel,

Enclosed please find a motion for sanctions under FRCP 11 we intend to file with the Court 21 days from today. I am sending you this copy in advance pursuant to FRCP 11 (c) (2). Please let me know if you have any questions.

Ray Chester

From: Bridget Zerner <bzerner@markhamreadzerner.com>
Sent: Wednesday, March 13, 2024 3:38 PM
To: Chester, Ray <rchester@mcginnislaw.com>; jhobbs@abaustin.com; Davis, Ian M. <IDavis@mcginnislaw.com>; madams@abaustin.com
Cc: John Markham <jmarkham@markhamreadzerner.com>; Paul Miller <pmiller@germer-austin.com>; Ryan Bueche <rbueche@germer-austin.com>; Sarah Shumate-Connor <sshumateconnor@germer-austin.com>; Lindsey Reyes <lreyes@germer-austin.com>; Megan LaMare <Megan@markhamreadzerner.com>; Carla Eutsler <CEutsler@markhamreadzerner.com>
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Ray -

We decline the two-week extension proposal as more time is needed to gather and review the documents that you would not produce prior to litigation.

We will file an opposed motion to amend the scheduling order and address the other matters you raise when you serve a sanctions motion.

Thank you,
Briget

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From: Chester, Ray <rchester@mcginnislaw.com>
Sent: Tuesday, March 12, 2024 1:45 PM
To: Bridget Zerner <bzerner@markhamreadzerner.com>; jhobbs@abaustin.com; Davis, Ian M. <IDavis@mcginnislaw.com>; madams@abaustin.com
Cc: John Markham <jmarkham@markhamreadzerner.com>; Paul Miller <pmiller@germer-austin.com>; Ryan Bueche <rbueche@germer-austin.com>; Sarah Shumate-Connor <sshumateconnor@germer-austin.com>; Lindsey Reyes <lreyes@germer-austin.com>; Megan LaMare <Megan@markhamreadzerner.com>; Carla Eutsler <CEutsler@markhamreadzerner.com>
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External (rchester@mcginnislaw.com)



Bridgette,

Hello, I hope you and John are well. I normally am very cooperative with extensions, but this case is unique, and I am afraid we will not be able to agree to your request.

One predominant factor is that you have put my clients under a cloud of ill repute with your RICO allegations. And, as we previously suspected and confirmed last week, the basis of your RICO claims was a perjurious Declaration suborned by your co-counsel at the time, Kelly Dawson. We will brook no delay in having that cause of action removed from this case, whether it be by agreement, summary judgment, or trial on the merits.

We will be sending you a motion for sanctions on that topic in the next few days.

Additionally, I note that this case is based on alleged conduct which is five or more years old, and the case has been on file for ten months. The plaintiffs have not prosecuted the case with diligence. You never convened a Rule 26 conference as required by the rules until after being admonished by the judge. The timing of your discovery requests and expert search is totally within your control, and we have done nothing to impede your progress.

You refer to third party discovery requests plurally, but we have only received notice of one

such request, to Comerica Bank, and you have those records.

For these reasons and more, we cannot agree to a three-month extension. In the spirit of cooperation, we can agree to a two-week extension, with a corresponding two-week extension for our expert designations. If that is acceptable, please prepare an agreement for my signature.

Ray

Ray Chester
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From: Bridget Zerner <bzerner@markhamreadzerner.com>
Sent: Monday, March 11, 2024 9:45 AM
To: jhobbs@abaustin.com; Chester, Ray <rchester@mcginnislaw.com>; Davis, Ian M. <IDavis@mcginnislaw.com>; madams@abaustin.com
Cc: John Markham <jmarkham@markhamreadzerner.com>; Paul Miller <pmiller@germer-austin.com>; Ryan Bueche <rbueche@germer-austin.com>; Sarah Shumate-Connor <sshumateconnor@germer-austin.com>; Lindsey Reyes <lreyes@germer-austin.com>; Megan LaMare <Megan@markhamreadzerner.com>; Carla Eutsler <CEutsler@markhamreadzerner.com>
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Morning, all –

Under our current scheduling order, our deadline for our expert's disclosure is this week, March 15. We need to extend that date as all financial records and documents have not been received from third-parties served with subpoenas nor have the parties completed their document production for an expert report to be completed.

We are filing a motion to amend the schedule as to expert deadlines only and propose that

Plaintiffs' expert disclosure deadline be reset to July 26, 2024, that Defendants' expert disclosure deadline be reset to August 23, 2024 and that the deadline to complete expert depositions be set for September 6, 2024. All other deadlines in the current order would remain the same.

Please let us know your position and if you would like to confer further on a call, let us know.

Thanks,
Bridget

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